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INDIGENOUS ISSUES

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 1999]

GE.99-11394 (E)

Recognition of the authorities of the Embera-Katío people of Alto-Sinú in Colombia by the State authorities

1. The Society for Threatened Peoples informs the Commission on Human Rights of the precarious food situation of an indigenous people as a result of the irresponsible actions of a dam concern which have made fishing on the indigenous territory impossible.

2. The Embera-Katío are an indigenous people whose officially recognized territory lies within the national park of Paramillo in the border area between the departments of Antiquia and Córdoba in the north-east of Colombia. This people has suffered the consequences of environmental damage resulting from the building of the Urra I dam. Until now, the greatest damage has consisted in the total loss of fish, the main food source of these people. The multipurpose concern URRA S.A., which built this dam, refuses to hold comprehensive negotiations with the Embera-Katío. The most recent argument which the firm advanced was that there were several indigenous authorities and it therefore did not know which was legitimate. The Embera-Katío took legal action against URRA S.A., as well as against the mayor of Tierralta, regarding the maintenance of their rights of procedure and to oblige URRA S.A. to negotiate about compensation. In November 1998, the Constitutional Court in last instance judged in favour of the indigenous people. The judgement required the mayor of Tierralta to acknowledge the competence of the indigenous authorities to represent the interests of the indigenous people vis-à-vis URRA S.A.

3. By a variety of juridical tricks, URRA S.A. has managed to prevent implementation of the judgement. The mayor has up to now only officially acknowledged the representatives of one of the three river regions in which the indigenous communities live. It is not by chance that they are the representatives of the region which is in favour of a fast conclusion of the negotiations, with the possible postponement of compensation payments until income from the dam is obtained from the sale of electricity. The authorities of the other river regions have not managed to obtain official recognition. The mayor, who openly supports URRA S.A., fears that the majority of the communities will demand an ethnically determined development plan ensuring the replacement of their subsistence basis - in this case, protein.

4. The Society for Threatened Peoples appeals to the Commission on Human Rights:

(a) To demand that the Government of Colombia reinstate the right of the Embera-Katío of Alto-Sinú (Córdoba, Colombia) to choose their authorities and representatives. Concretely, the mayor of Tierralta (Córdoba) should not be allowed to delay further official acknowledgement of the indigenous representatives (Cabildos) of the river regions of Sinú and Verde in the Iwagado and Karagabí reserves;

(b) To call upon the Minister of the Environment of Colombia not to grant permission for the dam to start functioning until negotiations with all the Embera-Katío authorities have led to a satisfactory outcome;

(c) To call upon the Colombian authorities no longer to accept the non-observance by URRA S.A. of the Constitutional Court judgement;

(d) To demand that the Government of Colombia guarantee the human rights of these indigenous people, so that no more indigenous leaders die because they do not agree with the actions of URRA S.A.;

(e) To request the Government of Colombia to function as guarantor of the compensation negotiated between the Embera-Katío and URRA S.A.